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April 28, 2016

BY EMAIL AND FIRST CLASS MAIL

The Hon. Karen V. Gregory
Secretary of Federal Maritime Commission
800 North Capitol St.
Room 1046
Washington, D.C. 20573

Re: Docket No. 15-11 – Ovchinnikov v. Hitrinov

Dear Ms. Gregory:

Enclosed for filing in the above-captioned matter are an original true copy and five (5) additional copies of Respondents' Urgent Request for Immediate Conference.

Please contact me if you have any questions.

Sincerely,


Eric C. Jeffrey

Enclosure

FEDERAL MARITIME COMMISSION

WASHINGTON, D.C.

DOCKET NO. 15-11

IGOR OVCHINNIKOV, ET AL

v.

MICHAEL HITRINOV ET AL

RESPONDENTS' URGENT REQUEST FOR IMMEDIATE CONFERENCE

Specially-Appearing Respondents herein urgently request that the Presiding Officer convene a conference as soon as possible to discuss certain important matters arising from the Orders issued yesterday (April 27) that are extremely pressing in light of the current schedule. I have attempted to confer with Counsel for Complainants' but time did not permit any dialogue. For the convenience of Counsel for Complainants, we are happy to hold the conference by telephone. To the extent that this request is considered as a motion to which Complainants are entitled to respond, we request that the time to respond be shortened to 5 p.m., today.

The issues that Respondents wish to address at the conference are as follows:

1. Timing of Motion to Dismiss/Show Cause Response Versus Document Production.

When the Presiding Officer ordered production of Shipping Documents on the same due date as Respondents' Motion to Dismiss and Response to Order to Show Cause, he inadvertently created a fundamental unfairness in the proceeding. Such Shipping Documents are of course highly relevant to both the Motion and the Response. As currently scheduled, however, Respondents would not have access to Complainants' Shipping Documents when they prepare and submit the Motion and Response, yet Complainants would have access to Respondents'

Shipping Documents when formulating a response. This would put Respondents at a great disadvantage. Accordingly, Respondents wish to address the issue so that the Parties will be treated alike. Respondents would propose keeping the due dates for the Answer and the production of Shipping Documents as May 4, with the Motion and Response due nine days thereafter (May 13) and Complainants' responses thereto being due two weeks later (May 27), but would be open to other proposals so long as they even the playing field.

2. Correction of Facts.

The Order Denying Respondents' Stay Motion is premised on the incorrect conclusion of fact that the specific cars at issue here are not at issue in the New Jersey case. Attached hereto is Exhibit 1 to the Kapustin Group's Amended Counterclaim in the New Jersey litigation (since assigned to Plaintiffs therein), which identifies that Plaintiffs' claims do include the very cars for which Complainants seek redress before the Commission. For ease of reference, we have added check marks beside the relevant entries.

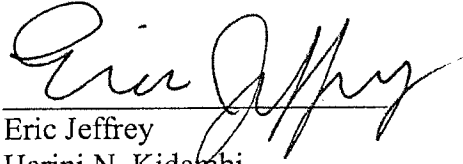
3. Reconsideration.

In light of the factual correction above, Respondents wish to discuss reconsideration of the Stay Order.

Conclusion

For the foregoing reasons, Respondents respectfully request the Presiding Officer to convene a conference as soon as possible.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Eric Jeffrey", written over a horizontal line.

Eric Jeffrey

Harini N. Kidambi

Nixon Peabody LLP

799 9th Street, N.W., Suite 500

Washington, D.C. 20001

202-585-8000


CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document via electronic and first-class mail to the following:

Marcus A. Nussbaum, Esq.
P.O. Box 245599
Brooklyn, NY 11224
Marcus.nussbaum@gmail.com

Seth M. Katz, Esq.
P.O. Box 245599
Brooklyn, NY 11224

Dated at Washington, DC, this 28th day of April, 2016


Eric Jeffrey
Counsel for Respondents

Plaintiff	Vehicles	Location	Vin#	container	Freight Paid?	Value of Vehicle
EFFECT AUTO SALES INC.	2010 LEXUS RX 350	Koika	2T2BK1BA5AC009746	MSCU8549457	Yes	\$32,196.00
EFFECT AUTO SALES INC.	2010 VOLKSWAGEN CC	Koika	WVWML7AN9AE507737	INKU2255403	Yes	\$17,091.00
EFFECT AUTO SALES INC.	2009 BMW X5	Koika	SUXFE43579L260951	TGHU7722677	Yes	\$30,250.00
EFFECT AUTO SALES INC.	2009 MERCEDES-BENZ ML320	Koika	4JGBB25E39A489354	INKU6454152	Yes	\$30,954.00
EFFECT AUTO SALES INC.	2011 LEXUS LX 570	Koika	JTJHY7AX4B4060677	MSCU7880692	Yes	\$53,062.00
EFFECT AUTO SALES INC.	2009 LEXUS LX 570	Koika	JTJHY00W694027108	INKU6611170	Yes	\$58,561.00
EFFECT AUTO SALES INC.	2009 MERCEDES-BENZ ML320	Koika	4JGBB25E79A519374	CAIU8750765	Yes	\$28,633.00
EFFECT AUTO SALES INC.	2009 MERCEDES-BENZ ML320	Koika	4JGBB25E09A497525	TRLU5762222	Yes	\$31,802.00
EFFECT AUTO SALES INC.	2009 TOYOTA VENZA	Koika	4T3ZE11A79U005453	MSCU9950675	Yes	\$21,352.00
EFFECT AUTO SALES INC.	2012 JEEP COMPASS SPORT	Koika	1C4N1CBA1CD573626	MSCU9808526	Yes	\$13,510.00
EFFECT AUTO SALES INC.	2009 TOYOTA PRIUS	Koika	JTDKB20U693488352	TGHU8770134	Yes	\$11,003.00
EFFECT AUTO SALES INC.	2010 SUBARU OUTBACK	Koika	4S4BR8BC9A328479	MSCU7912634	Yes	\$14,586.00
EFFECT AUTO SALES INC.	2010 VOLKSWAGEN CC	Koika	WVWNL7AN5AB527150	TGHU8770134	Yes	\$16,551.00
EFFECT AUTO SALES INC.	2009 MERCURY MARINER	Koika	4M2CU87729KJ12992	TGHU8770134	Yes	\$10,381.00
EFFECT AUTO SALES INC.	2009 TOYOTA VENZA	Koika	4T3BE11A49U004942	TTLU981862-1	Yes	\$21,607.00
EFFECT AUTO SALES INC.	2009 MERCEDES-BENZ R320	Koika	4JGBB25E69A095805	TRIU9057653	Yes	\$23,146.00
EFFECT AUTO SALES INC.	2009 VOLKSWAGEN TIGUAN	Koika	WVGAV75N49W002956	TTLU499373-0	Yes	\$14,750.00
EFFECT AUTO SALES INC.	2011 JEEP COMPASS	Koika	1J4NFP5F87BD282296	TGHU8737440	Yes	\$15,250.00
EFFECT AUTO SALES INC.	2009 VOLKSWAGEN TIGUAN	Koika	WVGBV75N29W525297	TGHU8737440	Yes	\$15,401.00
EFFECT AUTO SALES INC.	2009 MERCEDES-BENZ C300	Koika	WDDGF81X49R073295	TGHU8737440	Yes	\$22,280.00
EFFECT AUTO SALES INC.	2009 TOYOTA VENZA	Koika	4T3BE11A99U007805	TTLU6170514	Yes	\$22,305.00
EFFECT AUTO SALES INC.	2010 HONDA INSIGHT	Koika	J1HMZE2HS1AS007600	MEDU8259900	Yes	\$12,199.00
EFFECT AUTO SALES INC.	2009 TOYOTA CAMRY	Koika	4T1BE46K99U346317	MSCU9139268	Yes	\$9,018.00
EFFECT AUTO SALES INC.	2009 TOYOTA VENZA	Koika	4T3ZE11AX9U017211	TRIU9507220	Yes	\$17,898.00
EFFECT AUTO SALES INC.	2009 DODGE CALIBER	Koika	1B3HB48A79D129278	MSCU9187861	Yes	\$6,010.00
EFFECT AUTO SALES INC.	2009 SUBARU FORESTER	Koika	JF2SH61649H717573	MSCU9187861	Yes	\$10,472.00
EFFECT AUTO SALES INC.	2010 MERCURY MARINER	Koika	4M2CN8B74AKJ17359	CRXU9813340	Yes	\$11,179.00
EFFECT AUTO SALES INC.	2010 JEEP COMPASS SPORT	Koika	1J4NFP4FB6A583215	CRXU9813340	Yes	\$11,921.00
EFFECT AUTO SALES INC.	2009 TOYOTA CAMRY	Koika	4T1BE46K09U812264	MSCU9078156	Yes	\$9,200.00
EFFECT AUTO SALES INC.	2010 GMC ACADIA SLT-2	Koika	1GKLVN8D6A1J38200	TCNU8761450	Yes	\$24,536.00
EFFECT AUTO SALES INC.	2010 ACURA RDX	Koika	5J8TB2H29A000682	TCNU8761450	Yes	\$25,170.00
EFFECT AUTO SALES INC.	2010 SUBARU LEGACY	Koika	4S3BMBB65A3210717	MSCU9152382	Yes	\$13,260.00
EFFECT AUTO SALES INC.	2010 VOLKSWAGEN CC	Koika	WVWML7AN7AE525508	MSCU9152382	Yes	\$16,900.00
EFFECT AUTO SALES INC.	2009 FORD ESCAPE	Koika	1FMCU02729KD02110	MEDU8199205	Yes	\$9,810.00
EFFECT AUTO SALES INC.	2009 TOYOTA PRIUS	Koika	JTDKB20U897858466	TCKU9873233	Yes	\$12,580.00
EFFECT AUTO SALES INC.	2009 TOYOTA CAMRY	Koika	4T1BE46K19U306703	TCKU9873233	Yes	\$9,870.00
EFFECT AUTO SALES INC.	2010 TOYOTA HIGHLANDER	usa	5TDZA3E114AS003339		No	\$18,330.00
EFFECT AUTO SALES INC.	2009 MERCURY MARINER	usa	4M2CU87709KJ07967		No	\$9,350.00
EFFECT AUTO SALES INC.	2009 BMW X5 XDRIVE35D	usa	5UXFF03549LJ96843		No	\$28,570.00
EFFECT AUTO SALES INC.	2010 SUBARU LEGACY	usa	4S3BMC6A2A323878		No	\$10,160.00
EFFECT AUTO SALES INC.	2009 VOLKSWAGEN TIGUAN	usa	WVGAV75N09W523866		No	\$12,360.00
EFFECT AUTO SALES INC.	2009 TOYOTA VENZA	usa	4T3ZE11A29U013525		No	\$16,380.00
EFFECT AUTO SALES INC.	2010 VOLKSWAGEN CC	usa	WVWMP7AN2AE532077		No	\$12,360.00
EFFECT AUTO SALES INC.	2009 VOLKSWAGEN TIGUAN	usa	WVGAV75N39W502669		No	\$14,095.00
EFFECT AUTO SALES INC.	2010 LEXUS RX 350	usa	2T2BK1BA7AC029934		No	\$24,535.00
EFFECT AUTO SALES INC.	2009 VOLKSWAGEN CC	usa	WVWHL73C59E558113		No	\$13,260.00
EFFECT AUTO SALES INC.	2009 VOLKSWAGEN TIGUAN	usa	WVGBV75N09W525864		No	\$14,015.00
EFFECT AUTO SALES INC.	2009 TOYOTA VENZA	usa	4T3ZE11A79U018526		No	\$18,710.00
EFFECT AUTO SALES INC.	2010 VOLKSWAGEN CC	usa	WVWML9AN3AE515750		No	\$14,390.00
EFFECT AUTO SALES INC.	2010 VOLKSWAGEN CC	usa	WVWHL7AN6AE506160		No	\$15,710.00
EFFECT AUTO SALES INC.	2009 TOYOTA VENZA	usa	4T3BE11A89U005396		No	\$19,745.00
EFFECT AUTO SALES INC.	2010 FORD ESCAPE	usa	1FMCU0D78AKA29790		No	\$8,550.00
EFFECT AUTO SALES INC.	2010 TOYOTA HIGHLANDER	usa	5TDZA3E1H2AS001492		No	\$17,920.00
EFFECT AUTO SALES INC.	2010 FORD ESCAPE	usa	1FMCU9279AKA61893		No	\$10,250.00
EFFECT AUTO SALES INC.	2009 TOYOTA HIGHLANDER	usa	JTEDA41A092007850		No	\$17,055.00
EFFECT AUTO SALES INC.	2009 AUDI Q7	usa	WA1CV74L59D004718		No	\$28,175.00
EFFECT AUTO SALES INC.	2008 MERCEDES-BENZ ML320	Koika	4JGBB22B88A372761	AMFU8757503	No	\$20,317.00

Total

\$1,045,931.00

EXHIBIT

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